

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Nathaniel Gold,)	C/A No.: 5:13-3353-JMC-SVH
)	
Plaintiff,)	
)	
vs.)	
)	
Chief Michael Smalls, Jr., SMPD; Cpt.)	REPORT AND RECOMMENDATION
Andrew G. Hayes, SMPD; Sgt. Rosalyn)	
W. Jones, SMPD; Cpl. Edgar D.)	
Williams, SMPD; Ptl. Austin Arant,)	
SMPD; Sheriff Thomas Summers,)	
CCSO; and Major Tim Stevens, CCSO,)	
)	
Defendants.)	
)	

Plaintiff Nathaniel Gold, proceeding pro se and in forma pauperis, brings this action pursuant to 42 U.S.C. § 1983. Plaintiff alleges a violation of his constitutional rights by employees of the St. Matthews Police Department (“SMPD”) and Calhoun County Sheriff’s Office (“CCSO”) (collectively “Defendants”). [Entry #1 at 2]. Pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), all pretrial proceedings have been referred to the undersigned.

On December 30, 2013, the undersigned issued a report and recommendation (“R&R”) recommending that Plaintiff’s claims be summarily dismissed. [Entry #9]. After being granted one extension, Plaintiff filed timely objections to the R&R that included a request to amend his complaint prior to dismissal. [Entry #15]. He also filed a separate motion to amend the complaint. [Entry #16].

On August 1, 2014, the Honorable J. Michelle Childs granted Plaintiff's motion to amend and declined to adopt the R&R. [Entry #19]. Judge Childs' order directed Plaintiff to file his amended complaint by August 15, 2014. *Id.* Notwithstanding the specific instructions set forth in Judge Childs' order, Plaintiff has failed to file an amended complaint. As such, it appears to the court that wishes to abandon this action.

Based on the foregoing, the undersigned recommends that Plaintiff's case be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b). In the alternative, the undersigned recommends Plaintiff's original complaint be summarily dismissed for the reasons outlined in the R&R issued December 30, 2013.

IT IS SO RECOMMENDED.



August 19, 2014
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).